

TOWNSHIP OF LAKEWOOD

**COUNTY OF OCEAN
STATE OF NEW JERSEY**

**REQUEST FOR QUALIFICATIONS
FOR OPERATION OF BUS/TRANSPORTATION ROUTES WITHIN
THE TOWNSHIP OF LAKEWOOD.**

SUBMISSION DEADLINE

12:00 P.M., Wednesday, February 08, 2012

CONTACT PERSON

Steven Reinman, Deputy Township Manager, at (732) 364-2500, ext. 5333, 231 Third Street, Lakewood, New Jersey.

PURPOSE OF REQUEST

Lakewood Township (Lakewood) is seeking to develop a public/private partnership solution to meet their current municipal transportation challenges. Lakewood has developed a two-step process designed to elicit proposals that are fully responsive and responsible, and in the best interests of the citizens of Lakewood.

This RFQ does not constitute a bid and is intended solely to obtain qualifications from which Lakewood may choose contractors that best meet Lakewood's needs. It is Lakewood's intent that no statutory, regulatory or common law bidding requirement apply to this RFQ.

**TOWNSHIP OF LAKEWOOD
PUBLIC NOTICE FOR REQUEST FOR QUALIFICATIONS**

PLEASE TAKE NOTICE that the Township of Lakewood hereby solicits responses for the below listed professional services:

**FOR OPERATION OF BUS/TRANSPORTATION ROUTES WITHIN
THE TOWNSHIP OF LAKEWOOD**

Sealed responses must be submitted to the Deputy Township Manager no later than Wednesday, February 8, 2012 at or before 12:00 p.m. Responses may be submitted in person at the Municipal Building, 231 Third Street, Lakewood, New Jersey or sealed responses may be mailed in advance to the attention of the Deputy Township Manager, Township of Lakewood, 231 Third Street, Lakewood, New Jersey 08701.

All responses must be contained in a sealed envelope with the name and address of the party submitting the response and marked "sealed response" and the position sought.

Any persons having questions or to obtain further information should contact Steven Reinman, Deputy Township Manager, at (732)364-2500, ext. 5333, 231 Third Street, Lakewood, New Jersey.

The appropriate response documents are available on the Township's web-site: <http://lakewoodnj.gov>.

Responses for above-listed services are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq.

LAKEWOOD TOWNSHIP REQUEST FOR QUALIFICATIONS DOCUMENT

FEBRUARY 8, 2012

Lakewood Township (Lakewood) is seeking to develop a public/private partnership solution to meet their current municipal transportation challenges. Lakewood has developed a two-step process designed to elicit proposals that are fully responsive and responsible, and in the best interests of the citizens of Lakewood.

Step One - Request for Qualifications (RFQ)

- Interested bidders will provide responses and documentation illustrating their ability to meet the minimum qualifications and experience as outlined. Lakewood will evaluate all responses and notify each respondent to confirm their eligibility to participate in the Request for Proposal process (Step Two) based on their ability to meet the stated requirements.
- A mandatory RFQ prequalification meeting will be scheduled, and all interested bidders are required to attend to be certified to participate in Step Two of the process. During this prequalification meeting the details of the proposed service and the contractor's anticipated role will be reviewed in detail.
- All interested bidders will be required to comment on the scope of services and provide feedback as to the viability of the service as proposed. Lakewood will evaluate all commentary and incorporate as appropriate into the final Request for Proposal document.
- ONLY THOSE INTRESTED BIDDERS WHO PARTICIPATE AND COMPLETE THE RFQ PROCESS AND ARE DEEMED RESPONSIVE BY THE TOWNSHIP WILL BE ELIGIBLE TO RESPOND TO THE REQUEST FOR PROPOSAL.

Step Two – Request for Proposal (RFP)

Upon completion of the RFQ response evaluation process, Lakewood will finalize the service requirements. Additionally, Lakewood will submit documentation and obtain approvals as required by New Jersey Transit (NJT). Finally, Lakewood will meet such requirements as may be required by Federal and New Jersey State regulations. The Request for Proposal document will be provided to all qualified and interested bidders. The successful bidder will be the organization or agency providing the most responsive and best value response.

LAKEWOOD TRANSPORTATION SCOPE OF SERVICES

Lakewood is the beneficiary of an FTA grant that will provide up to nine (9) buses to be used to provide public transportation for the citizens of the Township. Lakewood is currently seeking a partner from the private sector to provide the drivers and full operational support to implement a transportation system within the Township. The system will initially focus on the highest density routes serving key point-to-point bus routes within the Township. The system is required to be financially self-sustaining, but will be supported in key areas by Lakewood as outlined in the Scope of Services.

The intent of the transportation system design is to provide the maximum service to the citizens of Lakewood on the routes that will be the most fully utilized by passengers. The objective of this approach is to generate adequate revenues to support the transit system while providing the maximum value possible to the citizenry.

There are a number of potential successful routes that the Township envisions being operational. The precise routes will be determined jointly with the selected contractor and the Township.

The routes will focus on the main travel corridors and critical transit origination and destination points within the Township. These corridors may include Route 9, the Westgate area, the downtown area and key destinations for work, higher education, medical treatment, retail and elderly services.

FARE REVENUE

During the Request for Proposal process, respondents will submit their fare proposal. The respondents should consider costs of competing transportation options (i.e., taxi, other bus services, driving, etc.).

Single ride fares will likely be not more than \$1.00 per trip, pending Lakewood Township Committee approval.

FARE MEDIA AND COLLECTIONS

A simple fare box capable of accepting cash in a safe and secure environment will be provided by Lakewood. Contractor will be responsible for providing an accounting and verification process for cash collection to ensure that all riders pay for trips and that full revenues are collected. Respondents to this RFQ shall provide an outline of their proposed accounting and verification process, including any technology and/or equipment they recommend to meet this requirement.

Lakewood will administer the monthly fare program and collect all revenues associated with the program.

PERSONNEL

The successful contractor will be responsible for providing fully qualified and licensed bus drivers, supervisors, management, trainers, and administrative support to provide the outlined transit service for Lakewood Township.

All vehicle operators shall possess a clean criminal record and a CDL Driver's License along with the required DMV endorsements for the weights, style and braking system for the vehicle (proof to be provided to the Township upon award of contract).

Operator of vehicle will have fewer than three assessed motor vehicle infraction points on his driver's license throughout the entire scope of the contract period (along with any extensions of same). Proof through drivers' abstract (for each individual operator of this service) shall be provided to Township upon award of contract. The operator will be responsible to notify the Township of any changes regarding the number of motor vehicle violations, in writing, within seven-business days receipt of a summons.

VEHICLES

Vehicles will be provided by Lakewood via the New Jersey Transit from an FTA grant. These vehicles will remain the property of Lakewood but will be leased at no cost to the selected contractor to provide municipal transportation. These vehicles may not be used for any other purpose.

The specific type of bus that will be purchased for Lakewood's transportation service has not been definitively determined. The Township will consult with the successful Respondent(s) as to the type of bus that best works with their business plan. At the current time, the Township's preference is to purchase Type Three (A) –A medium transit bus (30' or more in length). These vehicles are designed to carry between twenty-four (24) to twenty-eight (28) ambulatory and two (2) forward facing mobility devices. The bus is equipped with air brakes and requires driver to have an air-brake certification on their Commercial Driver's License. Lift door can be in the front or towards the rear of the vehicle. Useful Life is seven (7) years or 200,000 miles.

GRAPHICS

Lakewood will design and install graphics at no charge to the contractor. The Township will discuss with the contractor its ability to sell advertising and how advertising revenues will be shared.

FUEL

Contractor will be responsible for full and complete accounting of all fuel usage. Fuel may only be used for direct route operations or for approved maintenance purposes. If fuel is used for personal vehicles or for non-acceptable use in Lakewood buses the contractor will be financially

responsible to repay the Township, and may be subjected to additional action, up to and including the assessment of liquidated damages and/or contract cancellation.

FUEL COST REIMBURSEMENT

Reimbursement for fuel costs will be discussed with the contractor.

TECHNOLOGY

Depending on costs and feasibility, Lakewood will provide a GPS/AVL (Global Positioning System/Automated Vehicle Locator) System. The contractor will have access to all management reports and administrative functions required to manage the transit system. The contractor will not be required to pay for this acquisition of the system. The monthly fees will be part of the operating costs that the contractor will pay for on a monthly, quarterly, or annual basis.

REPORTING

The contractor will be required to provide the following reports to Lakewood.

I. Passenger Count Reports

a. The successful operator will provide the Township with passenger counts by each stop along the route for each scheduled run, weekly passenger counts as well as monthly ridership totals and any other information requested regarding the operation of this service.

b. Reports will be submitted in electronic format, in MS Excel or text delimited (comma or tab) format. Reports shall be submitted within 3 business days following the end of the reporting period.

II. Fuel Usage Reports

a. The Township will determine the nature and frequency of fuel usage and mileage reports.

b. Lakewood will conduct periodic audits of reports and data.

III. Incident Communications Protocol

a. All major incidents or accidents are to be reported to the designated employee, or, in their absence, the identified backup employee within 120 minutes [two (2) hours] of occurrence.

b. Major incident is defined as any situation that involves bodily injury, substantial property damage, or other incident that may clearly result in having a significant impact on the Township or passengers.

- i. Contractor shall provide a copy of all police reports to Lakewood for any accident.

c. Minor incidents or accidents should be reported to designated customer employees within twenty-four hours of occurrence, or as soon as practical. This notification should be done in writing (email is acceptable) whenever possible.

d. General operations comments, questions, and customer complaints are to be recorded, in writing, in a standardized format by the Contractor. A detailed explanation of the issue, along with resolution or actions taken towards resolution must also be recorded by the Contractor.

IV. Activity Reporting Requirements

a. Daily Activity

- i. Miles driven by vehicle, by day.
- ii. Identify all trips not performed. Indicate date, time, route, and explanation for missed trip.
- iii. Service Activity – start time and end time.
- iv. Report must be submitted weekly.

V. The Township may request additional reports for any transportation system information. Any additional reports that encompass data readily available or currently recorded by the contractor shall be provided at no additional cost to the Township.

NTD REPORTING

I. Monthly Reporting

a. Mode Service Operated form (MR-10) – only needed to be updated when there are changes.

b. Ridership Activity form (MR-20)

- i. The Ridership Activity form (MR-20) is used to report monthly data by mode and type of service (TOS) for the revenue vehicles used to provide transit service. The data include:

- 1. Service consumed (unlinked passenger trips (UPT))
- 2. Service supplied (actual vehicle revenue miles (VRM) and hours (VRH))
- 3. Vehicles operated in maximum service (VOMS)
- 4. Number of regular service days operated.

II. NTD Safety and Security Report (Monthly)

- a. Safety and Security Setup form (S&S-10)
- b. Chief Executive Officer Certification form (S&S-20)
- c. Security Configuration form (S&S-30)
- d. Reportable Incident Report form (S&S-40)
- e. Safety and Security Monthly Summary Report form (S&S-50) (safety elements)
All reports except commuter rail (CR)
- f. Safety and Security Monthly Summary Report form (S&S-50) (security elements)
All reports.

II. Reportable Incident Reporting (As Required)

- a. Reportable incidents should be filed no later than 30 days after the date of the incident.

III. Annual Reporting 0 there are at least 4 required forms for annual reporting.

- a. Revenue Vehicle Inventory Form (A-30)
- b. Maintenance Performance Form (R-20)
- c. Energy Fuel Consumption Form (R-30)
- d. Transit Agency Service Report (S-10)

EXPERIENCE AND CAPABILITIES

All respondents are required to certify that, if they are chosen in response to this RFQ, that they will provide a copy of a New Jersey Department of Transportation “Special Operation” or “Contract Services” operating authority to the Township before the signing of the contract to provide services.

The successful operator should have demonstrated an ability to operate such service in the past, providing references as requested.

Prospective bidders shall have a minimum of two (2) consecutive years experience in providing bus and/or van passenger transportation services to a college, university, airport, military facility, corporate campus, municipality, K-12 educational institution hospital/healthcare facility, or public recreational facility, or a proven track record in successfully managing federal grants or operating federally funded programs for a least five (5) consecutive years

- Provide with bid a detailed summary and description of passenger transportation experience over the last two (2) years.
 - Minimum of two (2) qualified references are required to be submitted with this RFQ.

- References should clearly illustrate that the respondent has the capabilities and experience to perform the work as outlined in this request for proposal and associated documents.
- Provide the following information for each reference:
 - Contact name, title, email, fax, phone and address
 - Name of company or organization
 - Description of service provided, who is transported and the geographic area of the transportation system, the number of buses and number of annual hours.
 - Date service began
 - Date service ended

ROUTES

Routes will be determined by the Township and the successful contractor.

GENERAL INFORMATION FOR APPLICANTS

RECEIPT OF RESPONSE

1. Qualifications shall be received in accordance with public advertisement as required by law, a copy of said notice attached hereto and made part of these specifications.
2. Each response shall be submitted on the response forms attached, in a sealed envelope addressed to the Township Manager bearing the name and address of the applicant on the outside, and clearly marked "REQUEST FOR QUALIFICATIONS" with the name of the item(s) and contract number being proposed.
3. It is the Applicant's responsibility to see that qualification responses are presented to the Township Manager at the time and place designated. Responses may be hand delivered or mailed; however, it is the applicant's responsibility for the delivery of the response.
4. The Applicant is required to submit six (6) copies of their response and resumé at the time of submission.

REJECTION OF RESPONSE

The Township reserves the right to reject any or all responses and to waive any minor informality in any response should it be deemed in the best interest of the Township to do so. Responses shall be rejected for any of the following reasons:

1. Failure to complete the Affirmative Action Certification.
2. Failure to comply with the American Disabilities Act of 1990.
3. Failure to complete the Disclosure of Ownership Statement.
4. Failure to provide New Jersey State Business Registration Certificate.
(including subcontractors)

Responses may be rejected for any of the following reasons:

1. Failure to complete the Affidavit of Non-Collusion.
2. Failure to properly complete the Response form.
3. Failure to complete the Checklist of Required Documents.
4. Insertion of additional conditions, provisions or stipulations

CONFLICTING INFORMATION OR ERRORS

The Township reserves the right to correct any errors or omissions in said Request for Qualifications wherever such corrections are necessary for the proper fulfillment of the intentions of the plans and specifications. Should there be any conflicting information given in the plans and specifications, the Township shall be notified of same and the Township will determine the final decision.

Prior to the execution of the work, the contractor shall check the plans and specifications and immediately report to the Township all errors and omissions discovered therein. Thereafter, during the prosecution of the work, the contractor shall immediately report all further errors or omissions to the Township. Any adjustments made by the contractor without prior approval shall be had at their own risk and the settlement of any complications arising from such settlement shall be made by the contractor at their own expense.

COMPLIANCE WITH LAWS

The applicant must keep himself fully informed of, and observe and comply with, all state, national and municipal laws in any manner affecting those engaged or employed in the work or the materials used in the work and of all such orders and decrees for bodies having any jurisdiction or authority over the same.

If any discrepancy is discovered in the Request for Qualifications in relation to any such law, ordinance, regulation, order or decree, the applicant notify the Township in writing. The Contractor shall protect and indemnify the Township, its officers and agents against any claim or liability arising from a violation of any law, regulation, ordinance, order or decree whether by himself or his employees or sub-contractors.

BUSINESS REGISTRATION CERTIFICATE

N.J.S.A. 52:32-44 requires that each applicant (contractor and subcontractor) provide proof of business registration in response to a request for responses at the time a Request for Qualifications is submitted. On June 29, 2004, Governor McGreevey signed P.L. 2004, c. 57, Business Registration of Contractors with Government Agencies, into law. Effective September 1, 2004, all business organizations that do business with a local contracting agency (i.e. Township of Lakewood) are required to be registered with the State of New Jersey, Department of Treasury, Division of Revenue, and provide proof of that registration to the contracting agency before the contracting agency may enter into a contract with the business.

A “Business Organization” means an individual, partnership, association, joint stock company, trust, corporation or other legal business entity or successor thereof.

The law provides that: A copy of the Business Registration Certificate issued by the New Jersey Department of Treasury, Division of Revenue, shall be provided at the time any submission is received; *failure to do so is a fatal defect that cannot be cured*. This law covers construction as well as non-construction submissions. Further information may be obtained by visiting the

following web site at the State of New Jersey: www.nj.gov/treasury/revenue/busregcert.htm.

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that knowingly provide goods or perform services for a contractor fulfilling this contract:

1. The contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the contractor;
2. Prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors or attest that none was used;
3. During the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A.54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements are available by calling (609) 292-9292.

AFFIDAVIT OF NON-COLLUSION

The Non-collusion Affidavit, which is part of these specifications, shall be properly executed and submitted intact with the response.

NON-DISCRIMINATION

There shall be no discrimination against any employee engaged in the work required to produce the commodities covered by any contract resulting from this response, or against any applicant to such employment because of race, religion, sex, national origin, creed, color, ancestry, age, marital status, affectional or sexual orientation, familial status, liability for service in the Armed Forces of the United States, or nationality. This provision shall include, but not be limited to the following: Employment upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The contractor shall insert a similar provision in all subcontracts for services to be covered by any contract resulting from this response.

REQUIRED AFFIRMATIVE ACTION EVIDENCE

Each contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

1. A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter); or
2. A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4; or
3. A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

STATEMENT OF OWNERSHIP

Chapter 33 of the Public Laws of 1977 provides that no corporation or partnership shall be awarded any county contract for the performance of any work or the furnishing of any materials or supplies, unless prior to the receipt of the response or accompanying the response of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten percent or more of its stock or any class, or of all individual partners in the partnership who own a ten percent or greater interest therein. Form of Statement shall be completed and attached to the response.

**TOWNSHIP OF LAKEWOOD
CHECKLIST OF REQUIRED DOCUMENTS**

Professional Service: _____

Submission Date: February 8, 2012, at 12:00 p.m.

The following items, as indicated by initialing, shall be provided with the receipt of sealed submissions:

1. Non-Collusion Affidavit....._____
2. Disclosure of Ownership Form....._____
3. Mandatory Equal Employment Opportunity Notice Acknowledgment
(Contracts over \$17,500.00)....._____
4. Copy of Business Registration Certificate as issued by the State of New Jersey,
Department of Treasury, Division of Revenue....._____
5. Professional Service Entity Information Form....._____
6. Qualifications Submission Form....._____
7. Acknowledgment of Corrections, Additions or Deletions Form....._____

**EACH REQUIRED ITEM MUST BE INITIALED ON THIS FORM IN THE SPACE
PROVIDED. THIS CHECKLIST MUST BE SIGNED AND SUBMITTED WITH THE
QUALIFICATION RESPONSE PACKAGE.**

COMPANY/APPLICANT NAME

AUTHORIZED SIGNATURE

NAME (PRINT)

TITLE

DATE

STATE OF NEW JERSEY :
 : SS
COUNTY OF OCEAN
:

I, _____, of the _____ of _____
in the County of _____ and the State of New Jersey, of full age, being
duly sworn according to law on my oath depose and say that:

I am _____
of the firm of _____

the Professional Service Entity making the submission for the above named Service, and that I executed the said submission with full authority to do so; that said Professional Service Entity has not, directly or indirectly, entered into any agreements, participated in any collusion, or otherwise taken any action in restraint of fair and open competition in connection with the above named Service; and that all statements contained in said submission and in this affidavit are true and correct, and made with full knowledge that the Township of Lakewood relies upon the truth of the statements contained in said submission and in the statements contained in this affidavit in awarding the contract for said Service.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide establish, commercial or selling agencies maintained by:

Name of Contractor Entity

Signature of Contractor

Type or print name of affiant and title

Subscribed and sworn to before me
this day of , 2012

Notary Public, State of New Jersey
My commission expires

**TOWNSHIP OF LAKEWOOD
DISCLOSURE OF OWNERSHIP FORM**

N.J.S.A. 52:25-24.2 reads in part that “no corporation or partnership shall be awarded any contract by the State, County, Municipality or School District, or any subsidiary or agency thereof, unless prior to the receipt of the submission of the corporation or partnership, there is provided to the public contracting unit a statement setting forth the names and addresses of all individuals who own 10% or more of the stock or interest in the corporation or partnership.”

- 1 If the professional service entity is a partnership, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
- 2 If the professional service entity is a corporation, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or more of its stock of any class.
- 3 If a corporation owns all or part of the stock of the corporation or partnership providing the submission, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that corporation.
- 4 If the professional service entity is other than a corporation or partnership, the contractor shall indicate the form of corporate ownership as listed below.

COMPLETE ONE OF THE FOLLOWING STATEMENTS:

- I. Stockholders or Partners owning 10% or more of the company providing the submission:
Name: _____ Address: _____

Signature: _____ Date: _____

- II. No Stockholder or Partner owns 10% or more of the company providing this submission:

Signature: _____ Date: _____

- III. Submission is being provided by an individual who operates as a sole proprietorship:

Signature: _____ Date: _____

- IV. Submission is being provided by a corporation or partnership that operates as a (check one of the following):

____ Limited Partnership _____ Limited Liability Corporation

____ Limited Liability Partnership _____ Subchapter S Corporation

Signature: _____ Date: _____

TOWNSHIP OF LAKEWOOD
Mandatory Equal Employment Opportunity Notice
N.J.S.A. 10:5-31 et seq. and N.J.A.C 17:27 et seq.
GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

This form is a summary of the successful professional service entity's requirement to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

The successful professional service entity shall submit tot he Township of Lakewood, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(A) A photocopy of a valid letter that the vendor is operating under an existing federally approved or sanctioned affirmative action program (good for one year from the date of the letter);
or

(B) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-1.1 et seq.; or

(C) A photocopy of an Employee Information Report (Form AA302) provided by the Division of Contract Compliance and distributed to the Township of Lakewood to be completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful professional service entity may obtain the Employee Information Report (AA302) from the Township of Lakewood during normal business hours and distributed in accordance with the requirements on the Employee Information Report.

The undersigned professional service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.

The undersigned professional service entity further understands that his/her submission shall be rejected as non-responsive if said professional service entity fails to comply with the requirements of N.J.S.A.10:5-31 et seq. and N.J.A.C. 17:27 et seq.

Company: _____

Signature: _____ Print Name: _____

Title: _____ Date: _____

EXHIBIT A
N.J.S.A. 10:5-31 and N.J.A.C. 17:27
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
Goods, Professional Services and General Service Contracts
(Mandatory Affirmative Action Language)

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and the employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting for the provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable, will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A.10:5-31 et. seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5-2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but no limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national ancestry,

marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading, and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval
Certificate of Employee Information Report
Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

STATE OF _____ :
 : SS
COUNTY OF _____ :

TOWNSHIP OF LAKEWOOD
AMERICANS WITH DISABILITIES ACT, ENVIRONMENTAL COMPLIANCE
AND CONFLICT OF INTEREST CERTIFICATION

The Contractor and the Township of Lakewood do hereby agree that the provisions of Title 11 of the Americans with Disabilities Act of 1990 (the "Act") (42 U.S.C. § 12101 et seq.) which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated thereunto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the Township of Lakewood pursuant to this contract, the Contractor agrees that the performance shall be in strict compliance with the Act. In the event that the Contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the Contractor shall defend the Township of Lakewood in any action or administrative proceeding commenced pursuant to this Act. The Contractor shall indemnify, protect and save harmless the Township of Lakewood, its agents, servants and employees from and against any and all suits, claims, losses, demands, or damages of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The Contractor shall, at its own expense, appear, defend and pay and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith.

The Township of Lakewood shall, as soon as practicable after a claim has been made against it, give written notice thereof to the Contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the Township of Lakewood or any of its agents, servants and employees, the Township of Lakewood shall expeditiously forward or have forwarded to the Contractor every demand, complaint, notice, summons, pleading or other process received by the Township of Lakewood or its representatives.

It is expressly agreed and understood that any approval by the Township of Lakewood of the services provided by the Contractor pursuant to this contract will not relieve the Contractor of the obligation to comply with the Act and to defend, indemnify, protect and save harmless the Township of Lakewood pursuant to this paragraph.

It is further agreed and understood that the Township of Lakewood assumes no obligation to indemnify or save harmless the Contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this agreement. Furthermore, the Contractor expressly understands and agrees that the provision of this indemnification clause shall in no way limit the Contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the Contractor from any liability, nor prelude the Township of Lakewood from taking any other actions available to it under any other provisions of this Agreement or otherwise at law.

The Township of Lakewood does not discriminate on the basis of handicapped status in the admission or access to, or treatment, or employment in its programs or activities.

The Township of Lakewood shall allow access to any books, documents, papers and records of the contractor, which are directly pertinent to that specific contract.

Compliance is required with all applicable standards, orders, or requirements issued under 306 of the Clean Air Act, Section 508 of the Clean Water Act, Executive Order 11738 and Environmental Protection Agency Regulations (40 CRF, Part 15) which prohibits the use under non-exempt federal contracts, grants or loans of facilities included on the EPA list of violating facilities.

The Township of Lakewood considers it to be a substantial conflict of interest for any company desiring to do business with the Township of Lakewood to be owned, operated or managed by any Township of Lakewood employee, nor shall any Township of Lakewood personnel be employed by the vendor in conjunction with any work to be performed for or on behalf of the Township of Lakewood.

I hereby certify compliance with the foregoing.

The undersigned is a Corporation under the law of the State of _____, having principal offices at _____.

Name of Partnership, Corporation or Individual

Signed by: _____

Print Name and Official Title

Address: _____

Telephone: _____

E-mail address: _____

Federal ID. No.: _____

TOWNSHIP OF LAKEWOOD
Professional Service Entity Information Form

If the Professional Service Entity is an **INDIVIDUAL**, sign name and give the following information:

Name: _____

Address: _____

Telephone No.: _____ Social Security No.: _____

Fax No.: _____ E-Mail: _____

If individual as a **TRADE NAME**, give such trade name:

Trading As: _____ Telephone No.: _____

If the Professional Service Entity is a **PARTNERSHIP**, give the following information:

Name of Partners: _____

Firm Name: _____

Address: _____

Telephone No.: _____ Federal I.D. No.: _____

Fax No.: _____ E-Mail: _____

Social Security No.: _____

Signature of authorized agent: _____

If the Professional Service Entity is **INCORPORATED**, give the following information:

State under whose laws incorporated _____

Location of principal office: _____

Telephone No.: _____ Federal I.D. No.: _____

Fax No.: _____ E-Mail: _____

Name of agent in charge of said office upon whom notice may be legally served:

Telephone No.: _____ Name of Corp.: _____

Signature: _____ By: _____

Title: _____ Address: _____